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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

VAN HANDEL, MICHAEL P

ART UNIT

PAPER NUMBER

2424

NOTIFICATION DATE

DELIVERY MODE

11/24/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/091,386	<b>Applicant(s)</b> EMURA ET AL.	
	<b>Examiner</b> MICHAEL VAN HANDEL	<b>Art Unit</b> 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 40-47, 49, 50 and 52-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 40-47, 49, 50 and 52-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/03/2010 has been entered.

### ***Response to Amendment***

2. This action is responsive to an Amendment filed 3/03/2010. Claims **40-47, 49, 50, 52-54** are pending. Claims **40, 41, 43, 44, 54** are amended. Claims **1-39, 48, 51** are canceled.

### ***Response to Arguments***

3. Applicant's arguments regarding claims **40, 43, and 54**, filed 3/03/2010, have been considered, but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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5. Claims **40-47, 49, 50, 52-54** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Referring to claims **40** and **43**, the examiner fails to find support in Applicant's specification for the phrase "distribution request including ... the priority of the viewpoint information." The examiner further fails to find support for the phrase "the priority of the viewpoint information being selected from list information that is distributed in advance, the list information comprising the ... priority of the viewpoint information." The examiner still further fails to find support for the phrase "extracts from the first metadata, a plurality of segments for making up the preview and adapted to the ... priority of the viewpoint information included in the received preview distribution request."

Referring to claim **53**, the examiner fails to find support in Applicant's specification for the phrase "distribution request comprising ... priority of the keyword." The examiner further fails to find support for the phrase "priority of the keyword ... selected by the client terminal from list information distributed in advance." The examiner still further fails to find support for the phrase "the list information comprises ... priority of the keyword." The examiner still further fails to find support for the phrase "extracts, from the first metadata segments ... priority of the viewpoint information corresponding to ... priority of the keyword selected by the client terminal."

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Applicant's specification states that viewpoints 703a-703c are assigned priority levels d705a through d705c, respectively (see paragraph 151 and Figure 7 of published version of Applicant's specification US 2002/0129371). The examiner first notes that the specification indicates that this is part of an XML document used as structure description data. The server generates content list information from content management information and transmits this to the client terminal, and the list information is illustrated in Figure 9 (see paragraph 156 and Figure 9 of Applicant's specification). The examiner notes that Figure 9, the list displayed to the user, does not contain priority information and the XML document is not distributed or displayed to the user. The examiner also notes that Applicant's specification does not disclose what the priority information in the XML document is used for. There is no indication in Applicant's specification that the priority information is used in generating the preview.

Claims **41, 42, 44-47, 49, 50, 52, 53** are rejected as being dependent on the aforementioned independent claims.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims **40, 41, 43, 44, 49, 50, 52-54** are rejected under 35 U.S.C. 102(b) as being anticipated by Mauldin et al. (of which Wactlar et al. is incorporated by reference).

Referring to claim **40**, Mauldin et al. discloses a media distribution apparatus (Fig. 1) that selectively distributes views comprising original media of content and a preview summarizing the content (col. 3, l. 21-31), the media distribution apparatus comprising:

- a storer that stores the views (video) and first metadata (transcribed audio and text associated with the video) for explaining the views (col. 4, l. 35-50, 53-64 & col. 5, l. 31-38), the first metadata comprising a plurality of segments (col. 4, l. 58-64) and describing at least one set of viewpoint information (text or transcribed audio describing scene)(col. 7, l. 37-44) and priority of the viewpoint information (col. 7, l. 66-67 & col. 8, l. 1-15), and time information (col. 7, l. 14-16)(col. 8, l. 15-20 of Wactlar), the at least one set of the viewpoint information and the priority of the viewpoint information, and the time information being assigned on a segment-by-segment basis (col. 7, l. 11-16), the viewpoint information comprising a keyword included in the first metadata for explaining the content (words from text or transcribed audio)(col. 7, l. 37-44);
- a request receiver that receives a distribution request from a client terminal, the distribution request including identification information that identifies the content (col. 6, l. 57-61), at least one set of the viewpoint information comprising the keyword included in the first metadata for explaining the content (col. 6, l. 57-61) and the priority of the viewpoint information (col. 8, l. 3-7), information that indicates one of a media distribution request and a preview distribution request (col. 6, 57-61), and desired time information that is input by the client terminal (col. 8, l. 40-42)(col. 14, l. 62-64 of Wactlar), the identification information and the at least one set of the

- viewpoint information and the priority of the viewpoint information being selected from list information that is distributed in advance (col. 4, l. 35-67), the list information comprising the identification information of the content (col. 6, l. 57-61), a set of the viewpoint information (col. 6, l. 57-61) and the priority of the viewpoint information of the content assigned to each segment making up the first metadata (col. 8, l. 8-15), and playback time information of the content (col. 7, l. 11-17);
- a request analyzer that determines whether the distribution request received by the request receiver is a media distribution request or a preview distribution request for content (col. 3, l. 32-42);
  - a media extractor/generator that, when the received distribution request is determined to be the preview distribution request, extracts, from the first metadata, a plurality of segments for making up the preview and adapted to the at least one set of the viewpoint information and the priority of the viewpoint information included in the received preview distribution request with respect to content corresponding to the identification information included in the received preview distribution request (col. 5, l. 1-38), and dynamically generates the preview having a time length corresponding to the desired time information included in the received preview distribution request (col. 8, l. 40-42)(col. 14, l. 62-65 of Wactlar), by fixing a plurality of segments as second metadata so as to have the time length corresponding to the desired time information, using the time information assigned to the extracted plurality of segments, and combining the views stored in the storer corresponding to plurality of segments fixed as the second metadata (col. 7, l. 11-23); and

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- a media transmitter that transmits the generated preview to the client terminal  
(Wactlar discloses that the online portion may be run by retrieving the data over a network)(col. 4, l. 64-67)(col. 7, l. 3-7 of Wactlar).

Referring to claims **41** and **44**, Maudlin et al. discloses the media distribution apparatus/method according to claims 40 and 43, respectively, wherein a plurality of sets of the viewpoint information and priority of the viewpoint information, both assigned on a segment-by-segment basis, are assigned to the first metadata and described continuously (col. 7, l. 66-67 & col. 8, l. 1-38).

Referring to claim **43**, Maudlin et al. discloses a media distribution method (Fig. 1) for selectively distributing views comprising original media of content and a preview summarizing the content (col. 3, l. 21-31), the media distribution method comprising:

- storing the views (video) and first metadata (transcribed audio and text associated with the video) for explaining the views (col. 4, l. 35-50, 53-64 & col. 5, l. 31-38), the first metadata comprising a plurality of segments (col. 4, l. 58-64) and describing at least one set of viewpoint information (text or transcribed audio describing scene)(col. 7, l. 37-44) and a priority of the viewpoint information (col. 7, l. 66-67 & col. 8, l. 1-15), and time information (col. 7, l. 14-16)(col. 8, l. 15-20 of Wactlar), the at least one set of viewpoint information and the priority of the viewpoint information, and the time information being assigned on a segment-by-segment basis (col. 7, l. 11-16), the viewpoint information comprising a keyword included in the first metadata for explaining the content (words from text or transcribed audio)(col. 7, l. 37-44);



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- receiving a distribution request from a client terminal, the distribution request including identification information that identifies the content (col. 6, l. 57-61), at least one set of viewpoint information comprising the keyword included in the first metadata for explaining the content (col. 6, l. 57-61) and the priority of the viewpoint information (col. 8, l. 3-7), information that indicates one of a media distribution request and a preview distribution request (col. 6, 57-61), and desired time information that is input by the client terminal (col. 8, l. 40-42)(col. 14, l. 62-64 of Wactlar), the identification information and the at least one of the viewpoint information and the priority of the viewpoint information being selected from list information that is distributed in advance (col. 4, l. 35-67), the list information comprising the identification information of the content (col. 6, l. 57-61), a set of the viewpoint information (col. 6, l. 57-61) and the priority of the viewpoint information of the content assigned to each segment making up the first metadata (col. 8, l. 8-15), and playback time information of the content (col. 7, l. 11-17);
- determining whether the distribution request received from the client terminal is the media distribution request or the preview distribution request for the content (col. 3, l. 32-42);
- when the distribution request is received from the client terminal is determined to be the preview distribution request, extracting, from the first metadata, a plurality of segments making up the preview and adapted to the at least one set of the viewpoint information and the priority of the viewpoint information included in the received preview distribution request with respect to content corresponding to the

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- identification information included in the received preview distribution request (col. 5, l. 1-38), and dynamically generating the preview having a time length corresponding to the desired time information included in the received preview distribution request (col. 8, l. 40-42)(col. 14, l. 62-65 of Wactlar), by fixing a plurality of segments as second metadata so as to have the time length corresponding to the desired time information, using the time information assigned to the extracted plurality of segments, and combining the views stored in the storer corresponding to the plurality of segments fixed as the second metadata (col. 7, l. 11-23); and
- transmitting the generated preview to the client terminal (Wactlar discloses that the online portion may be run by retrieving the data over a network)(col. 4, l. 64-67)(col. 7, l. 3-7 of Wactlar).

Referring to claims **49** and **52**, Maudlin et al. discloses the media distribution apparatus/method according to claims 40 and 43, respectively, wherein the storer stores a plurality of metadata for a content (col. 4, l. 58-64).

Referring to claims **50** and **53**, Maudlin et al. discloses the media distribution apparatus/method according to claims 40 and 43, respectively, wherein the generated preview is cached according to a frequency of access to a corresponding content (col. 5, l. 6-9).

Referring to claim **54**, Maudlin et al. discloses a media distribution apparatus (Fig. 1) that selectively distributes views comprising original media of content and a preview summarizing the content (col. 3, l. 21-31), the media distribution apparatus comprising:

- a server (video library) that includes the views (video) and first metadata (transcribed audio and text associated with the video) for explaining the views (col. 4, l. 35-50,

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- 53-64 & col. 5, l. 31-38), the first metadata comprising a plurality of segments (col. 4, l. 58-64), each segment comprising at least one set of viewpoint information (text or transcribed audio describing scene)(col. 7, l. 37-44) and priority of the viewpoint information (col. 7, l. 66-67 & col. 8, l. 1-15), and time information (col. 7, l. 14-16)(col. 8, l. 15-20 of Wactlar), the viewpoint information being a keyword included in the metadata that explains the views (words from text or transcribed audio)(col. 7, l. 37-44);
- wherein the server receives, from a client terminal, a distribution request comprising content identification information (col. 6, l. 57-61), at least one set of keyword (col. 6, l. 57-61) and priority of the keyword (col. 8, l. 3-7), information indicating a media distribution request or a preview distribution request (col. 6, 57-61), and a time period set by the client terminal for the preview to be generated by the server (col. 8, l. 40-42)(col. 14, l. 62-64 of Wactlar),
  - wherein the content identification information and the at least one set of keyword and priority of the keyword are selected by the client terminal from list information distributed in advance (col. 4, l. 35-67),
  - wherein the list information comprises the content identification information (col. 6, l. 57-61), a set of keyword (col. 6, l. 57-61) and priority of the keyword assigned to each segment making up the first metadata (col. 8, l. 8-15), and content playback time (col. 7, l. 11-17),
  - wherein the server determines whether the received distribution request is the media distribution request or the preview distribution request (col. 3, l. 32-42), and

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- wherein the server, when the received distribution request is determined to be the preview distribution request, extracts, from the first metadata, segments having a set of viewpoint information and priority of the viewpoint information corresponding to the at least one set of keyword and priority of the keyword selected by the client terminal (col. 5, l. 1-38), generates the preview having the set time period by fixing a plurality of segments as second metadata using the time information (col. 8, l. 40-42)(col. 14, l. 62-65 of Wactlar) and linking the views corresponding to the segments fixed as the second metadata (col. 7, l. 11-23) and transmits the generated preview to the client terminal (Wactlar discloses that the online portion may be run by retrieving the data over a network)(col. 4, l. 64-67)(col. 7, l. 3-7 of Wactlar).

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims **42, 45** are rejected under 35 U.S.C. 103(a) as being unpatentable over Maudlin et al. in view of Russo et al. (of record).

Referring to claims **42** and **45**, Maudlin et al. discloses the media distribution apparatus/method according to claims 40 and 43, respectively. Maudlin et al. does not specifically teach a charger that does not charge for the preview or charges according to a length of the generated preview. Russo et al. discloses allowing a user to enjoy content free of charge

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until a predetermined amount of time of the content has been viewed. At this time a charge will take place (col. 10, l. 64-67). It would have been obvious to modify Maudlin et al. to include charging a user for content after a certain length of media content has been viewed, such as that taught by Russo et al. in order to compensate a content provider for content viewing, while allowing a user to cancel a transaction if content viewing is terminated early (Russo et al. col. 2, l. 58-63).

10. Claims **46**, **47** are rejected under 35 U.S.C. 103(a) as being unpatentable over Maudlin et al. in view of Jain et al.

Referring to claims **46** and **47**, Maudlin et al. discloses the media distribution apparatus/method according to claims 40 and 43, respectively. Maudlin et al. does not specifically teach that viewpoint options are displayed to a user prior to generating the preview. Jain et al. discloses pre-processing video to associate metadata with segments of the video (col. 5, l. 63-67 & col. 6, l. 1-9) and allowing the user to generate timelines having only specific events in the video timeline, such as receptions made by a certain player (col. 29, l. 33-44 & Fig. 7). Jain et al. further discloses that the event database is downloaded to the user prior to receiving the video content (col. 31, l. 42-55). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the method of summarizing video by keyword of Maudlin et al. to include displaying available keywords of events to the user as options for selection, such as that taught by Jain et al. in order to provide a more user-friendly interface.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL VAN HANDEL whose telephone number is (571)272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Van Handel/  
Primary Examiner, Art Unit 2424

11/18/2010